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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,221	01/16/2004	Kenji Yoshioka	K-2141	5744

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KANESAKA BERNER AND PARTNERS LLP
SUITE 300, 1700 DIAGONAL RD
ALEXANDRIA, VA 22314-2848

EXAMINER

PHU, SANH D

ART UNIT PAPER NUMBER

2618

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,221	Applicant(s) YOSHIOKA, KENJI	
	Examiner Sanh D. Phu	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Van Bosch (US 6,792,296).

Regarding to claim 1, Van Bosch disclose an emergency report terminal device (20, Fig. 4) mounted in a vehicle for performing an emergency report communication process (any cellular phone is able to report/call 911 for emergency) via a cellular phone network (A,B in Fig. 4) to call an emergency

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report center in the event of an emergency (911 emergency center), transfer positional information about said vehicle (80), and establish voice communication to convey information about the emergency (32, 34), said emergency report terminal device comprising:

built-in wireless communication means (50) for performing said emergency report communication process; and

control means (82) for transmitting a phone number of a cellular phone to said emergency report center when data is transmitted by said built-in wireless communication means (see Fig. 4 and text portion).

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2–9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Bosch in view of Turnbull et al (6,980,092).

Regarding to claim 2, Van Bosch disclose position of vehicle (80) and vehicle data such as vehicle identification (see col. 7, line 32), Van Bosch does not disclose the emergency report terminal device wherein the data to be transmitted to said emergency report center, information about a route traveled by the vehicle, dates/times of traveled route point recordings, and information about one or more causes of triggering the emergency report communication process.

Turnbull et al disclose the data of black box, which contains information about a route traveled by the vehicle, dates/times of traveled route point recordings, and information about one or more causes of triggering the emergency report communication process (the black box storing all information such as speed, rollover, air bag deployment and e.g., see col. 8, lines 14–19 and col. 36, lines 50–51).

Therefore, it would have been obvious for one skilled in the art at the time of the invention was made to implement the data black box, as taught by

Turnbull et al, in order to have all information of vehicle so that the emergency center is able to act as quickly as they can.

Regarding to claims 3 and 5, Van Bosch does not disclose the vehicle device comprising operating input means for acquiring the phone number of said cellular phone.

However, Van Bosch discloses the device (20) comprising operating input means for forfeiting the phone number of said cellular phone instead to use the vehicle device's phone number (col. 8, lines 3-18).

Therefore, it would have been obvious for one skilled in the art at the time of the invention was made to modify two cellular phones interfacing/connecting each other (to become one unit device) in order for acquiring/forfeiting the phone number of one of them so that the base station or emergency center is able to communicate either one of these two numbers.

Regarding to claims 4 and 6, claims 4 and 6 are rejected with similar reason as set forth in claims 3 and 5.

Regarding to claim 7, Van Bosch does not specifically disclose the emergency report terminal device comprising means for notifying inability to

acquire the phone number of said cellular phone when the phone number of said cellular phone cannot be acquired, however, Van Bosch disclose in Fig. 3 and Fig. 4 that a similar concept determines inability to acquire the phone number of said cellular phone, when the phone number of said cellular phone cannot be acquired, by automatically detecting whether the vehicle has a separate vehicle cellular transceiver (50), so that said cellular phone either to forfeits its phone number to use said vehicle transceiver's phone number or to use the phone number of said cellular phone if there is no said vehicle transceiver in vehicle (see col. 4, lines 13–26).

Therefore, it would have been obvious for one skilled in the art at the time of the invention was made to implement an indicator to notify a user is well known so that the user is able to see/know that what phone number is base station communicated.

Regarding to claim 8, claim 8 is rejected with similar reasons as set forth in claim 7.

Regarding to claim 9, claim 9 is rejected with similar reasons as set forth in claims 1 and 3.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sanh D. Phu
Examiner
Division 2618

10/17/06



SP

**SANH D. PHU
PATENT EXAMINER**